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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined third and fourth periodic reports of Saudi Arabia

General

1. The Committee notes the election of the State party to the Human Rights Council in 2013 and its re-election in 2016, as well as its election to the Commission on the Status of Women for a four-year term, starting in 2018. It also acknowledges the progress made by the State party since the issuance of the previous concluding observations with respect to women's human rights and women's empowerment. It considers that achieving effective separation of powers and ensuring the primacy of a written rule of law are essential to guarantee the full implementation of the Convention in the State party. It further reminds the State party of the important role of religious and traditional leaders as non-State actors in fulfilling the provisions of the Convention.

Legislative framework

2. The Committee notes the State party's particular understanding of the principle of equality, as presented in its combined third and fourth periodic reports (CEDAW/C/SAU/3-4), which implies complementarities and harmony rather than equal rights of women and men (paras. 47, 65 and 148).[1] Please indicate whether the State party envisages addressing the lack of comprehensive non-discrimination legislation and the absence of the grounds of sex and gender in the equality guarantee under article 8 of the Basic Law of Governance (paras. 9, 11, 42, 48 and 132) by amending its Basic Law and/or adopting legislation prohibiting both direct and indirect discrimination against women in the public and private spheres, including multiple and intersecting forms of discrimination. Please also indicate

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[1] Unless otherwise indicated, paragraph numbers refer to the combined third and fourth periodic reports of the State party.

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whether the State party envisages guaranteeing equality on the basis of sex in all areas covered by the Convention, in accordance with its obligations under articles 1 and 2 of the Convention and indicator 5.1.1 of the Sustainable Development Goals.

3. Mention is made of a number of laws, regulations, royal orders and Cabinet decisions that have recently been promulgated or amended to promote and afford greater protection to women's rights (paras. 10-27), in particular the Law on Protection from Abuse (2013), the Child Protection Law (2014), the Regulations concerning Domestic Workers and the Like (2013), the Anti-Trafficking in Persons Offences Law (2009) and Cabinet Decision No. 406 concerning special arrangements for the children of Saudi women married to foreigners (2012). In addition, since 2012, women have no longer needed a male guardian's permission to work. Please provide updated information on progress made in reviewing discriminatory laws and practices, in particular the legal provisions relating to personal status, the Labour Law (2005), the Nationality Law (paras. 86 and 88) and the system of male guardianship. Under the system, women's enjoyment of most of the rights enshrined in the Convention, such as freedom of movement, choice of residency, access to justice, education and health-care services, acquisition of identity documents and the right to marry and divorce freely, are subject to the agreement of a male guardian. Therefore, please provide information on forthcoming legal steps planned to abolish this system.

Reservations

4. It is indicated in the report that the Convention became a part of Saudi domestic legislation when Saudi Arabia acceded to it (para. 67). Please provide updated information on the efforts undertaken by the State party to review its general reservation to the Convention, whereby precedence is given to the sharia in case of any conflict between the provisions of the Convention and those of the sharia, as well as its reservation to article 9 (2) of the Convention, with a view to withdrawing them or narrowing their scope. In view of the statement contained in paragraph 47, according to which the sharia incorporates the principle of complete equality between men and women, please explain why the State party maintains its reservations on the basis that certain provisions of the Convention conflict with the precepts of the sharia.

Women and peace and security

5. According to credible, corroborated and consistent information received by the Committee, the State party, through its military operation in Yemen, has been committing grave violations of Yemeni women's rights. Please provide information on measures taken to reinforce and support the participation of Saudi women in formal and informal conflict prevention efforts and indicate the steps taken to adopt a national action plan for the implementation of Security Council resolution 1325 (2000). Please explain whether women affected by conflict have been provided with adequate access to justice, redress and assistance, including psychological assistance, in line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations. Please also indicate the measures that have been taken to ensure respect for the rules of international humanitarian law that are relevant to women in armed conflict, as well as for the core principles of precaution, distinction and proportionality, and to allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need (A/HRC/33/38, paras. 71 (b) and (d)). Please indicate whether the State party envisages responding positively to the call by the United Nations High Commissioner for Human Rights for the establishment of an international, independent investigative body to carry out comprehensive investigations into

alleged violations of international humanitarian and international human rights law in Yemen. Please provide information and data on the situation of women asylum seekers from war zones in Yemen, as well as on measures taken to assist such women, in particular those who are victims of sexual violence and other forms of abuse.

Visibility of the Convention

6. Mention is made in the report of a number of awareness-raising and training activities aimed at increasing knowledge about human rights, including women's human rights, among relevant professionals and the public at large (paras. 62 and 63). Please indicate the impact of such awareness-raising and training activities on the advancement of women and the protection of women's human rights. Please also inform the Committee of the possible outcomes and the success of those activities. Please provide information on further measures taken to increase the visibility of the Convention, in particular the training provided to the judiciary, including religious courts, and the campaigns to enhance women's awareness of their rights.

Access to justice

7. In line with the Committee's general recommendation No. 33 (2015) on women's access to justice, please provide information on awareness-raising campaigns and other measures taken to ensure that women, including disadvantaged groups of women, are aware of their rights under the Convention and are able to claim those rights, including by lodging complaints through the legal system when their rights have been violated. Please indicate whether steps have been taken to remove all current legal obstacles to access to justice, redress and reparation, including the need for women and girls to obtain the authorization of a male guardian to lodge complaints. Please provide information on cases brought before the courts on discrimination against women and the outcomes of those cases. Please indicate whether the Convention has been invoked before the courts. Please also indicate the steps taken by the State party to ensure that women, including women in detention, are not discriminated against by criminal, civil or religious courts and that they have effective access to justice and remedy. Please indicate whether the State party is considering establishing a State-sponsored legal aid programme with a gender perspective.

National human rights institution

8. It is indicated in the report that the Human Rights Commission, which was established in 2005 and is directly subordinate to the King, receives, investigates and takes legal action regarding human rights complaints (para. 30). Please provide information on the number of complaints received from women whose rights have been violated and the outcomes of those cases. Please indicate whether measures have been taken to raise awareness among women about the existence of the mechanism and whether assistance is available to women in filing complaints. Please provide detailed information on the measures taken to ensure the independence of the Commission, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also provide information on its mandate in relation to women's rights and on its human, technical and financial resources.

National machinery for the advancement of women

9. It is indicated in the report that women's units a id divisions are currently being established in all government agencies and that a national strategy is being developed to strengthen and protect human rights (paras. 23, 50 and 150). Please

update the Committee on the sectoral units that are in place and their functions and resources, and indicate whether a time frame has been established for the adoption of the national strategy on human rights. With reference to the recommendation made by the Committee in its previous concluding observations (CEDAW/C/SAU/CO/2, para. 20), please clarify which institution is the national machinery responsible for coordinating the implementation of the Convention and explain its working relationship with women's units and divisions. Please indicate whether it is adequately equipped in terms of human, technical and financial resources to coordinate the policies and the mechanisms at the central and local levels to achieve the full and uniform implementation of the Convention throughout the territory of the State party. Please provide information on the proportion of the national budget allocated to the national machinery. Please indicate whether the State party has adopted a national strategy to support gender equality and the empowerment of women, in accordance with the provisions of the Convention, and integrated the 2030 Agenda for Sustainable Development into its plans of action.

Civil society organizations

10. It is indicated in the report that the promulgation of the Law on Associations and Foundations further strengthens the effectiveness of civil society and that memorandums of understanding were concluded with civil society organizations concerned with human rights in respect of personal status matters (para. 154). Please provide further information on the follow-up to the recommendation made by the Committee (CEDAW/C/SAU/CO/2, para. 40) and indicate the specific measures taken to create and ensure an enabling environment, in which civil society and women's rights organizations can operate freely, and the legal requirements for the registration and operation of non-governmental organizations, including those relating to women's human rights. Please also indicate measures, including legislative measures, taken to ensure the diversity and independence of civil society organizations and freedom of expression.

Stereotypes and harmful practices

11. It is indicated in the report that efforts have been undertaken to enhance public awareness of the Convention and counter stereotypes and negative customs that feed discrimination against women (paras. 62-65). Please indicate whether any impact assessment of such measures has been undertaken and, if so, describe its findings. Please provide information on further measures taken to eliminate the stereotypes that underpin deeply entrenched patriarchal attitudes and reinforce the subordination of women in society. Please provide information on efforts undertaken, through the revision of textbooks, media programmes, awareness-raising and educational campaigns addressing religious and community leaders, parents and teachers, as well as capacity-building programmes for law enforcement officials, including police officers, judges, lawyers and prosecutors, to counter stereotypical attitudes towards girls and women, including those who experience multiple forms of discrimination on the basis of ethnicity, nationality, religion, age, disability or other characteristics.

12. A number of harmful practices, including female genital mutilation, child and/or forced marriage and polygamy, which are considered to be unlawful in many States Members of the United Nations, seem to persist in the territory of the State party. Accusations of witchcraft and the compulsory use of face coverings, such as the niqab, burka or hijab with mask, are also a source of concern. In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, please provide information on the

measures taken by the State party to address those practices and to raise awareness of their many negative consequences, targeting in particular parents, teachers, religious and community leaders and health and education professionals. The Committee was informed that, despite ongoing discussion in the Shura Council, there is still no legally prescribed minimum age of marriage for girls and boys (para. 148) and that a high proportion of girls continue to marry before the age of 18 years. Please update the Committee on the steps taken to prescribe and enforce a legal minimum age of marriage of 18 years for both women and men.

Gender-based violence against women

13. Mention is made in the report of the enactment of the Law on Protection from Abuse (2013), which criminalizes domestic violence, including physical, psychological and sexual violence (para. 51); the creation, in 2016, of a centre for victims of domestic violence, accessible 24 hours a day to receive complaints and make referrals to the social protection units (para. 54); and the establishment of shelters across the country (para. 56). In line with the Committee's general recommendations Nos. 19 (1992) and 35 (2017) on gender-based violence against women, please inform the Committee about the measures envisaged to adopt comprehensive legislation addressing all forms of violence against women in all settings, to establish appropriate redress mechanisms accessible to all women, including migrant women and domestic workers, and to ensure that perpetrators are prosecuted and adequately punished. Please indicate whether the State party has taken any steps to criminalize rape, including marital rape, non-penetrative forms of sexual assault and sexual harassment, and provide information on sanctions applied for crimes committed in the name of so-called "honour". Please also indicate the measures planned to address the prevalent recourse to family reconciliation in cases of domestic violence, which can lead to the revictimization of women. Please comment on reports that women and girls who are victims of sexual abuse have been punished for having had sexual relations outside of wedlock or for adultery and, in some instances, sentenced to stoning or flogging. Please provide data, disaggregated by age, nationality and relationship between the victim and the perpetrator, on cases of violence against women, in particular domestic and sexual violence, including the number of complaints, investigations and convictions, as well as the sentences imposed. Please specify the measures that have been taken to remove all current cultural and legal obstacles to access to justice, redress and reparation, including the need for women and girls to obtain the authorization of a male guardian to lodge complaints. Please also indicate whether any steps have been taken to prohibit all forms of corporal punishment of women and girls in all settings, including within the family, schools and penal institutions.

Trafficking and exploitation of prostitution

14. The Committee reminds the State party of its obligation of due diligence for acts and omissions of non-State actors. It is stated in the report that measures have been taken to address trafficking in persons, including the adoption of the Anti-Trafficking in Persons Offences Law (2009) and the Regulations concerning Domestic Workers and the Like (2013) and the establishment of the Standing Committee for Combating Trafficking in Persons (paras. 20, 34, 70 and 71). However, the Committee has received information about persistent cases of women and girls being trafficked for the purpose of forced labour, forced prostitution and domestic servitude, as well as about low rates of prosecution and conviction for trafficking. Please indicate whether the definition of trafficking provided for in domestic law is compatible with international standards. Please also provide information on the measures adopted for the effective implementation of the relevant laws and indicate whether the State party has developed a national action

plan to combat trafficking. Please provide information on the human, technical and financial resources allocated to the Standing Committee. Please further provide updated data, disaggregated by sex, age and nationality, on the number of victims of trafficking, specifying whether the victims were trafficked for the purposes of labour or sexual exploitation, and indicate the number of cases investigated, persons prosecuted and convicted and sentences imposed under the relevant laws for the period under consideration. Please provide information on further measures taken to train government officials to recognize and respond appropriately to trafficking offences, expand public awareness programmes that promote the identification of victims and perpetrators, and raise awareness of preventive measures and avenues for assistance and redress, including the provision of interpretation in the language of the victim. Please indicate the measures taken to ensure that victims of trafficking and sexual exploitation are never criminalized or deported for acts committed as a direct result of being trafficked, such as immigration violations or prostitution, and are provided with the necessary assistance and protection.

Participation in political and public life

15. It is indicated in the report that Royal Order No. A/44 (2013) amending article 3 of the Shura Council Law introduced a 20 per cent quota for women in the Shura Council and that women held 30 seats out of 151 (19.9 per cent) at the Council's sixth session (para. 78). According to information received by the Committee, women have been able to vote in and stand for election to chambers of commerce since 2005 and be candidates in municipal elections since 2015 (there are 22 female members of municipal councils nationwide). However, it was also reported that there are no female ministers, judges or prosecutors and only 87 out of 963 diplomats are women. Please provide information on steps taken to address obstacles to the advancement of women, including by raising the awareness of society as a whole of the importance of women's participation in decision-making and by enhancing the capacity of women and encouraging their participation in political and public life. Please also indicate whether the State party envisages adopting measures, including temporary special measures, such as quotas, aimed at increasing the representation of women in public and political life, in particular at the highest levels of government, in the Shura Council and municipal councils, in the judiciary, in the diplomatic service and in decision-making positions in all areas.

Nationality

16. Please provide information on any progress with respect to amending the Nationality Law to ensure equality between women and men with regard to the acquisition, change and retention of nationality and to enable Saudi women to pass their nationality to their foreign spouses and their mutual children (para. 86). Please also indicate whether any steps are envisaged to remove the strict conditions under article 8 of the Law applied to a Saudi mother married to a foreigner who wishes to pass her citizenship on to her children. Please further indicate what measures have been taken to ensure that the decision of the Cabinet to grant privileged services and facilities to the children of Saudi women married to non-Saudi men with respect to, inter alia, education, health, work (in the private sector), estate, investment and the ability to enter the country at the invitation of their mother, are effectively implemented (para. 87). Please also indicate any steps taken by the State party to withdraw its reservation to article 9 (2) of the Convention.

Education

17. Mention is made in the report of the high rates of enrolment of women and girls at all levels of education (paras. 90 and 91), as well as the measures taken to

reduce illiteracy rate (paras. 95-97) and to provide career and vocational programmes (paras. 92 and 135). Please provide information on the measures taken to further reduce the female illiteracy rate (8.27 per cent, compared with 5.31 per cent overall in 2015), especially with respect to nomadic women and girls, as well as women and girls living in poverty and in remote areas. Please inform the Committee of the measures taken to ensure girls' access to extracurricular activities and sports activities in schools and to remove discriminatory gender stereotypes from school curricula and textbooks. Please also provide information on efforts to reduce the dropout rate of girls, including by addressing the reasons behind the non-completion of schooling. Please indicate whether the State party envisages developing and implementing national strategies and action plans aimed at eliminating traditional stereotypes and structural barriers that might deter the enrolment of girls in non-traditional fields of education at the secondary and tertiary levels. Please describe steps taken in collaboration with the private sector to develop a gender-sensitive career guidance programme based on market needs. Please also provide information on measures taken to ensure that migrant girls have access to affordable high-quality education.

Employment

18. Mention is made in the report of relevant legal provisions that affirm the prohibition of wage discrimination between male and female workers for work of equal value and prevent an employer from dismissing a female worker for absences owing to pregnancy or maternity (paras. 50, 101 and 105). Reference is also made to the implementation of a national plan to expand employment opportunities for Saudi women (para. 103). Please provide information on its status of implementation and indicate whether an impact assessment has been carried out. If so, please indicate the results. Please also provide information on the scope of the plan and whether it covers all women, even those living in the most remote areas of the territory. The Committee notes the very low participation rate of women in the labour market (17.4 per cent in the second half of 2015), the significant discrepancy between the female and male unemployment rates (33.8 per cent versus 5.6 per cent), the persistent gender wage gap in both the public and the private sectors and the continuous horizontal and vertical gender segregation in the labour market (paras. 112 and 113). Please provide information on further steps taken to address those issues and indicate whether impact assessments have been undertaken to evaluate the progress made. If so, please indicate the results. Firms that employ 50 or more workers are required by law to provide a suitable location where there are an adequate number of childcare providers to care for female employees' children aged 6 years and under if there are 10 or more such children (para. 106). Please provide information on how the State party is monitoring those measures. Please comment on further measures to provide working women with the necessary support services and to promote the concept of shared family responsibility in order to reconcile professional and family life. Please provide information on measures taken to enforce the 2012 rule that women no longer need a guardian's permission to work, including by issuing clear directives to all employers and prosecuting or fining those who continue to request such permission from guardians. Please provide data, disaggregated by region and governorate, on the loans allocated to women as start-up entrepreneurs.

Health

19. It is reported that the health indicators for women have improved significantly, particularly in terms of life expectancy, maternal mortality, health-care coverage for pregnant women, births under medical supervision and HIV incidence rates (paras. 116 and 122). Please provide information on steps taken to address any

disparities in delivering health services to women and to ensure that good-quality health services, including sexual and reproductive health services, in particular access to modern and emergency contraceptives, are available to as many women as possible in both urban and rural areas. Please indicate what steps the State party is taking to amend its legislation on abortion, with a view to removing punitive measures for women who undergo abortion and extending the grounds for performing legal and safe abortions beyond situations in which the life of the mother is at risk, to include, in particular, cases of serious fetal malformation and pregnancies arising from incest and rape. Please indicate the number of women who have been held in detention and sentenced for having undergone an abortion in the State party within the reporting period, including information on the length of their detention. Please indicate whether age-appropriate education on sexual and reproductive health and rights, as well as responsible sexual behaviour, has been incorporated as a separate subject into curricula at both the primary and secondary levels and is provided by adequately trained teachers. Please provide information on measures taken to ensure access to health-care services for and address the special needs of nomadic women. Please also provide information on cancer prevention programmes, including breast cancer and cervical cancer. Please provide data assessing the financial burden on the health-care system of providing medical treatment for the victims of harmful practices, including female genital mutilation.

Women migrant domestic workers

20. Please provide information on measures taken or envisaged to reform the *kafalah* system with a view to eliminating the exploitative working conditions imposed on women and girls employed as domestic workers, including migrants, protecting them from economic and physical exploitation and abuse by their employers and ensuring their freedom to change employers and leave the State party's territory without having to seek permission from their original sponsors. Please also indicate whether steps are envisaged to extend the ambit of the Labour Law to domestic workers, which would reduce their vulnerability to abuse and exploitation by employers and facilitate their enjoyment of all rights, and whether steps are envisaged to bring the Regulations concerning Domestic Workers and the Like (2013) into line with international standards. Please provide information on proactive measures taken to intensify efforts to prevent the abuse of migrant workers, including forced labour, to effectively investigate cases and prosecute perpetrators and to increase the number of qualified and trained labour inspectors (para. 110). Please provide information on specific steps taken by the State party to ensure that women domestic migrant workers are aware of their rights and have access to legal aid and protection, including shelters, as well as to effective legal recourse in criminal and civil courts. Please indicate whether women migrant domestic workers have access to the social security system and to free health-care services. Please also indicate measures taken to effectively enforce the regulations prohibiting the confiscation of the passports of domestic workers (para. 23). Please provide detailed information on the number of cases of arrest and prosecution of individuals for trafficking and/or subjecting a female domestic worker to forced labour or using violence against her. Please also elaborate on the sentences imposed on perpetrators in those cases. Please indicate if any steps have been taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, pursuant to the Committee's previous concluding observations (CEDAW/C/SAU/CO/2, para. 43), as well as the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Equality before the law and in civil matters

21. Please indicate if the existing legal provisions, according to which a woman's testimony is worth half that of a man before a court, will be reviewed and repealed with the aim of eliminating gender-based discrimination and ensuring equality before the law. Please clarify whether relevant laws have been amended to guarantee women the same freedom of movement as men. Please comment on information received by the Committee according to which women are still required to have the permission of their father, husband or male guardian in order to obtain a passport, travel outside the country, study abroad on a government scholarship and leave detention centres and State-run shelters. Please also inform the Committee of any steps taken to abolish the de facto ban on women from driving.

Marriage and family relations

22. Please indicate the measures taken to repeal provisions relating to personal status that continue to discriminate against women, with a view to discouraging and prohibiting polygamous marriage in law and in practice (para. 148), eliminating the requirement of the consent of a male guardian for a woman to marry and combating the persistent discrimination against women and girls with regard to the custody of children and inheritance, as both daughters and widows. Please provide information on the legal share of inheritance received by a daughter of a late father as compared with the share of her brothers or her father's other sons. Please further indicate the steps taken to repeal the legal provisions that authorize a man to unilaterally divorce his wife. Please also indicate what steps have been taken to adopt a unified personal status law that would be in line with the Convention and other international legally binding instruments, taking into consideration the experience of countries with similar sociocultural and religious backgrounds and legal systems.

Optional Protocol and amendment to article 20 (1)

23. It is mentioned in the report that accession to the Optional Protocol to the Convention is being studied in the framework of a review of human rights laws and international instruments (para. 153) and that the State party accepts the amendment to article 20 (1) of the Convention (para. 152). Please indicate whether any progress has been made towards accession to the Optional Protocol and towards official acceptance of the amendment.